

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FREE SPEECH COALITION, INC., et al.	:	Civil Action No. 2:09-4607
	:	
Plaintiffs,	:	
	:	
v.	:	JUDGE MICHAEL M. BAYLSON
	:	
THE HONORABLE ERIC H. HOLDER, JR.,	:	
Attorney General,	:	
	:	
Defendant.	:	

**AMERICAN CIVIL LIBERTIES UNION'S
MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF**

In accordance with this Court's December 18, 2009 Order that *amicus curiae* briefs may be filed at any time (Docket No. 18), the American Civil Liberties Union of Pennsylvania (ACLU) wishes to submit a brief in this matter, as *amicus curiae*, and has recently retained the undersigned as counsel. The ACLU requests permission to file its *amicus* brief on March 5, 2010, one week before the scheduled oral argument. Plaintiffs do not oppose this motion. The ACLU attempted to contact the Defendant regarding this motion, but was unable to reach Defendant's counsel because of weather-related federal office closures in Washington, D.C.

Respectfully submitted,



Fred T. Magaziner (23332)
Kristina C. Evans (93265)
DECHERT LLP
2929 Arch Street
Cira Centre
Philadelphia, PA 19104-2808
(215) 994-4000
(215) 994-2222 (Fax)
fred.magaziner@dechert.com
kristina.evans@dechert.com

Mary Catherine Roper (71107)
AMERICAN CIVIL LIBERTIES UNION OF
PENNSYLVANIA
P.O. Box 40008
Philadelphia, PA 19106
(215) 592-1513 x116 (Telephone)
(215) 592-1343 (Fax)
mroper@aclupa.org

Attorneys for American Civil Liberties Union of
Pennsylvania, Amicus Curiae

February 9, 2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FREE SPEECH COALITION, INC., et al.	:	Civil Action No. 2:09-4607
	:	
Plaintiffs,	:	
	:	
v.	:	JUDGE MICHAEL M. BAYLSON
	:	
THE HONORABLE ERIC H. HOLDER, JR.,	:	
Attorney General,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this _____ day of _____, 2010, upon consideration of the American Civil Liberties Union of Pennsylvania's Motion for Leave to File an *Amicus Curiae* Brief, it is hereby ORDERED and DECREED as follows:

1. The Motion is GRANTED.
2. The American Civil Liberties Union of Pennsylvania shall file an *amicus curiae* brief on or before March 5, 2010.

Hon. Michael M. Baylson

CERTIFICATE OF SERVICE

I, Kristina C. Evans, do hereby certify that a true and correct copy of the foregoing American Civil Liberties Union of Pennsylvania's Motion for Leave to File an *Amicus Curiae* Brief has been served via electronic mail on the following:

J. Michael Murray
Lorraine R. Baumgardner
Berkman, Gordon, Murray & Devan
55 Public Square
2121 The Illuminating Bldg.
Cleveland, OH 44113-1949

Kevin E. Raphael
J. Peter Shindel, Jr.
Pietrangallo, Gordon, Alfano, Bosick & Raspanti LLP
1818 Market Street
STE 3402
Philadelphia, PA 19103

Attorneys for Plaintiffs

Kathryn Wyer
U.S. Dept. of Justice Civil Div.
20 Massachusetts Avenue
Washington, DC 20530

Attorney for Defendant

February 9, 2010

